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4 Attorney for Plaintiffs
VICKI J. AZNARAN and RICHARD N. AZNARAN
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 VICKI J. AZNARAN and RICHARD N.
AZNARAN,)

12 Plaintiffs,)

13 vs.)

14 CHURCH OF SCIENTOLOGY OF)
15 CALIFORNIA, INC., et al.)

16 Defendants.)

17 _____)
18 AND RELATED COUNTER CLAIM)
19 _____)

Case No. CV-88-1786-JMI(Ex)

PLAINTIFFS' EX PARTE
APPLICATION FOR CONTINUANCE
OF HEARING DATE, OR, IN THE
ALTERNATIVE, FOR AN
ENLARGEMENT OF TIME TO FILE
OPPOSITION TO MOTION FOR
SUMMARY JUDGEMENT;
DECLARATION OF COUNSEL;
MEMORANDUM OF POINTS AND
AUTHORITIES

Date: Discretionary
Time: Discretionary
Ct: Hon. James M. Ideman

20 TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

21 PLEASE TAKE NOTICE that at the discretion of the Court, the
22 Honorable James M. Ideman presiding, Plaintiffs Vicki J. Aznaran and
23 Richard N. Aznaran will move the above-entitled Court for an Order
24 continuing to December 17, 1990, the hearing date whereupon the Court
25 will determine the Motion for Summary Judgement filed on or about
26 October 22, 1990. In the alternative, Plaintiffs request an
27 enlargement of time to November 19, 1990, to file their Opposition to
28 Defendants' Motion for Summary Judgement.

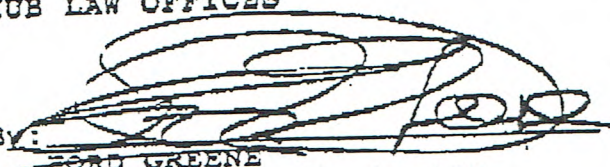
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1 This motion is based upon Rules 56(f) and 6(b) of the Federal
2 Rules of Civil Procedure and Local Rules 7.18.1 and 7.3.2.

3 DATED: November 13, 1990

HUB LAW OFFICES

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5 BY: 
6 FORD GREENE
Attorney for Plaintiffs

7 DECLARATION OF COUNSEL

8 FORD GREENE declares:

9 1. I am an attorney licensed to practice law in the Courts of
10 the State of California, the Middle District of California for the
11 United States District Court and am the attorney of record for Vicki
12 J. Aznaran and Richard N. Aznaran, plaintiffs herein.

13 2. On or about October 22, 1990, defendants jointly filed
14 their Notice of Motion and Motion for Summary Judgement with the
15 matter set to be heard on November 19, 1990. The memorandum in
16 support of the motion is 72 pages in length.

17 3. Pursuant to stipulation among the plaintiffs and
18 defendants, filed on or about November 5, 1990, the hearing date was
19 continued to December 3, 1990 and plaintiffs' opposition would be due
20 on November 13, 1990.

21 4. Among a myriad of issues that defendants have raised in
22 their motion is included a challenge to whether the corporate
23 integrity of defendants should be disregarded. Plaintiffs have
24 pleaded that defendants constitute a single entity controlled by one
25 to three individuals and that their respective corporate integrity
26 should be disregarded. In this regard, and for other purposes,
27 plaintiffs have served and are litigating to compel the deposition of
28 David Miscavige, the alleged leader of the Scientology organization.

EXHIBIT C 073

Page 2.

PLAINTIFFS' EX PARTE APPLICATION FOR CONTINUANCE

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1 Magistrate Eick's ruling is expected this week.

2 5. Further, I require additional time to obtain the affidavits
3 that are required to raise an issue of fact with respect to the issue
4 of corporate integrity and whether or not it should be penetrated. I
5 have made efforts to obtain such information and evidence over the
6 course of the past three weeks. Additionally, I have endeavored to
7 complete the drafting of plaintiffs' opposition to the 72 page
8 motion.

9 Compliance With Rule 7.18.1

10 6. It was my hope that I could complete the gathering of
11 evidence and complete drafting the opposition of the course of the
12 three day weekend that just passed, however, I was unable to do so.
13 Since on Friday, November 9, 1990, it was my objective to have the
14 opposition filed and served on Tuesday, November 13, 1990. Thus, in
15 light of the fact that I had to provide a courier with the instant
16 application at the outset of the day in order to insure that it would
17 be filed in Los Angeles before the close of the business day, I was
18 unable to contact opposing counsel. Thus, I do not know whether
19 counsel oppose this application or not.

20 Under penalty of perjury pursuant to the laws of the State of
21 California I hereby declare that the foregoing is true and correct
22 according to my first-hand knowledge, except those matters stated to
23 be on information and belief, and as to those matters, I believe them
24 to be true.

25 Executed on November 13, 1990 at San Anselmo, California

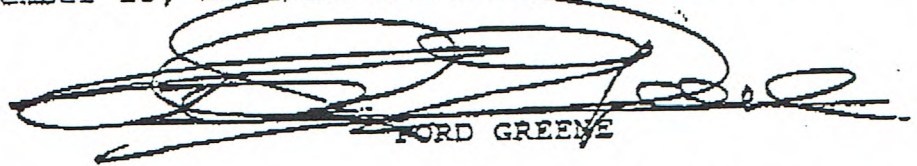
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27 FORD GREENE
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EXHIBIT C

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MEMORANDUM OF POINTS AND AUTHORITIES

Local Rule 7.18 authorizes making an ex parte application. Rule 56(f) of the Federal Rules of Civil Procedure authorizes continuing the hearing date on a motion for summary judgement in order to allow the party opposing the motion to obtain affidavits required to defeat the motion. Rule 6 of the Federal Rules of Civil Procedure and Local Rule 7.3.2 authorize bringing a motion for an enlargement of time to respond to a motion.

In the instant case defendants have file a motion the memorandum for which is 72 pages in length; more than twice the number of pages allowed by the local rules without the authorization of the Court. Among the myriad of issues raised therein, plaintiffs must provide evidence justifying their position that the corporate veils of the respective defendants should be penetrated. Plaintiffs require more time both to respond to the size of defendants' motion and to obtain the evidence necessary to successfully resist it.

As Fed.R.Civ.P. 56(f) authorizes the Court to make such rules as are appropriate to the situation of an opposing party requiring additional time to respond, plaintiffs respectfully request that the hearing date be continued to December 17, 1990. In the alternative, pursuant to Rule 6 plaintiffs respectfully request that the Court enlarge the time for them to file and serve their opposition to November 19, 1990.

DATED: November 13, 1990

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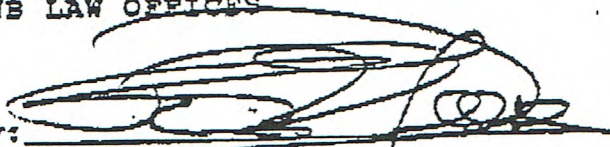
By: 
FORD GREENE
Attorney for Plaintiffs

EXHIBIT C

075

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PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: PLAINTIFFS' EX PARTE APPLICATION FOR CONTINUANCE OF HEARING DATE, OR IN THE ALTERNATIVE FOR ENLARGEMENT OF TIME TO FILE OPPOSITION TO MOTION FOR SUMMARY JUDGEMENT; DECLARATION OF COUNSEL; MEMORANDUM OF POINTS AND AUTHORITIES; PROPOSED ORDER

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California: SEE ATTACHED SERVICE LIST

- (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- (Personal Service) I caused such envelope to be delivered by hand to the offices of the addressee.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

DATED: November 13, 1990



EXHIBIT C

076

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AZNARAN vs. SCIENTOLOGY

Service List of Attorneys for Defendants

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ALSO BY TELECOPIER THIS DATE

EXHIBIT C 077

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